

Remarks

A Substitute Declaration is enclosed which deletes the claim to priority. A new drawing sheet is enclosed. A duplicate copy of this drawing sheet is also submitted.

The Examiner raised the possibility of 35 U.S.C. §102 rejection of the present application. Any applicability of 35 U.S.C. §102 in the present situation is respectfully traversed. Enclosed for Examiner's review is the "Certificate on the Grant of Community Plant Variety Rights" concerning the variety 'INTERYASSOR', the "Decision" related to this variety, and the "UPOV variety description". In addition, a Declaration is included concerning the availability of this plant. In view of this information, which is understood to respond to the requirement for information, no 35 U.S.C. §102(b) rejection should be made in this case.

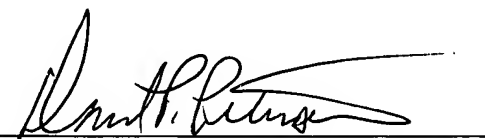
The Amendments to the Specification address the issues raised by the Examiner on pages 5 and 6 of the Office Action and as set forth in paragraphs A, B, C, D, G, H, I and J. With respect to paragraph E of the Office Action, the Examiner is referred to page 5, line 4 of the application where the requested information is already included. With respect to paragraph F of the Office Action, the Examiner is referred to page 4, line 23, where the requested information is already included.

In view of this information, the rejection of claim 1 under 35 U.S.C. §112, first and second paragraphs should be withdrawn.

The application should be in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Peter IIsink

Application No. 10/683,594

For: HYBRID TEA ROSE PLANT NAMED
'INTERYASSOR'

Filed: October 9, 2003

Confirmation No. 1018

For: HYBRID TEA ROSE PLANT NAMED
'INTERYASSOR'

Examiner: Junc Hwu

Art Unit: 1661

Attorney Reference No. 6743-66376

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450

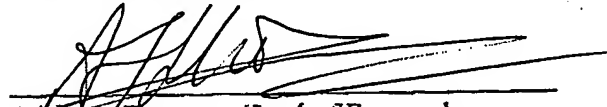
DECLARATION

I, Adri van Doosum, declare as follows:

1. I am head of research at Interplant B.V., International Plant and Trading Company, the assignee of all rights in the above-identified plant patent application for the plant variety 'INTERYASSOR.'
2. I am familiar with the distribution of the 'INTERYASSOR' plant throughout the world.
3. The 'INTERYASSOR' plant variety, on information and belief, was not sold or publicly distributed anywhere in the world at any time prior to November 1, 2002.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INTERPLANT B.V., INTERNATIONAL
PLANT AND TRADING COMPANY


Adri van Doosum, Head of Research

Dated: 8 June 2004

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PATENT

**SUBSTITUTE DECLARATION
FOR PLANT PATENT APPLICATION (Sole Inventor)**

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of a new and distinct variety of a hybrid tea rose plant named 'Interyassor' for which a plant patent has been filed on October 9, 2003 under U.S. Plant Patent Application No. 10/683,594.

I hereby state that I did asexually reproduce the new and distinct variety.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, plant breeders rights certificate, or inventor's certificate listed below and have also identified below any foreign application for patent, plant breeders rights certificate, or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐
Yes

☐
No

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole Inventor:

Peter IJsink

Inventor's Signature

Residence: Berkenweg 23, 3941 JA Doorn, The Netherlands

Citizenship:

Post Office Address: Broekweg 5, 3956 NE Leersum, The Netherlands

8 June 2004
Date

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